

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEXINGTON INSURANCE COMPANY,

Plaintiff,

v.

DAVID FORREST and T. BEAUCLERC
ROGERS IV,

Defendants.

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Civil Action No.
02-CV-4435

**ORDER ADMITTING KEVIN J. BURKE
AND MIGUEL A. VILLARREAL
PRO HAC VICE**

And now, this _____ day of _____, 2004, upon consideration of the Motion of Lexington Insurance Company for Admission of Kevin J. Burke and Miguel A. Villarreal *Pro Hac Vice*, and any response thereto, it is hereby ordered that the Motion is granted, and that Mr. Burke and Mr. Villarreal are admitted *pro hac vice* to represent Lexington Insurance Company in this action and are permitted to participate actively in the conduct of all pretrial, trial and post-trial proceedings in this action.

BY THE COURT:

Anita B. Brody, U.S.D.J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEXINGTON INSURANCE COMPANY,

Plaintiff,

v.

DAVID FORREST and T. BEAUCLERC
ROGERS IV,

Defendants.

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Civil Action No.
02-CV-4435

**MOTION OF LEXINGTON INSURANCE COMPANY
FOR ADMISSION OF KEVIN J. BURKE AND MIGUEL A. VILLARREAL
PRO HAC VICE**

The undersigned counsel for plaintiff, Lexington Insurance Company ("Lexington"), being a member in good standing of the bar of this Court, hereby moves this Court to admit Kevin J. Burke and Miguel A. Villarreal *pro hac vice*, and in support of said motion states as follows:

1. Kevin J. Burke is a member of the law firm of Cahill Gordon & Reindel LLP, with an address, telephone number and facsimile number as follows:

Kevin J. Burke, Esquire
Cahill Gordon & Reindel LLP
80 Pine Street
New York, NY 10005
(212) 701-3000 (telephone)
(212) 269-5420 (fax)

2. Mr. Burke is admitted to practice before and is in good standing with the following courts: (a) all state courts in New York; (b) the United States District Courts for the

Southern and Eastern Districts of New York; (c) the Second, Third, Tenth and District of Columbia Circuit Courts of Appeals; and (d) the United States Supreme Court.

3. Mr. Burke has never been disciplined, suspended or disbarred, and there are no disciplinary proceedings against him in any jurisdiction.

4. Mr. Burke has particular knowledge regarding the facts and law in the above-captioned action as a result of his representation of Lexington, and Lexington has requested that he represent it in this action.

5. If Mr. Burke is admitted *pro hac vice* in this matter, Montgomery, McCracken, Walker & Rhoads, LLP will remain as counsel of record.

6. Attached hereto as Exhibit "A" is a Certification of Kevin J. Burke in Support of the Motion for his Admission *Pro Hac Vice*.

7. Miguel A. Villarreal is an associate of the law firm of Cahill Gordon & Reindel LLP, with an address, telephone number and facsimile number as follows:

Miguel A. Villarreal, Esquire
Cahill Gordon & Reindel LLP
80 Pine Street
New York, NY 10005
(212) 701-3000 (telephone)
(212) 269-5420 (fax)

8. Mr. Villarreal is admitted to practice before and is in good standing with the following courts: (a) all state courts in New York; (b) the United States District Court for the Southern District of New York; and (c) the United States District Court for the Eastern District of New York.

9. Mr. Villarreal has never been disciplined, suspended or disbarred, and there are no disciplinary proceedings against him in any jurisdiction.

10. Mr. Villarreal has particular knowledge regarding the facts and law in the above-captioned action as a result of his representation of Lexington, and Lexington has requested that he represent it in this action.

11. If Mr. Villarreal is admitted *pro hac vice* in this matter, Montgomery, McCracken, Walker & Rhoads, LLP will remain as counsel of record.

12. Attached hereto as Exhibit "B" is a Certification of Miguel A. Villarreal in Support of Motion for Admission *Pro Hac Vice*.

WHEREFORE, plaintiff, Lexington Insurance Company, respectfully requests that this Court grant the Motion for Admission of Kevin J. Burke and Miguel A. Villarreal *Pro Hac Vice* and permit Mr. Burke and Mr. Villarreal to participate actively in the conduct of all pretrial, trial and post-trial proceedings in this action.

November 12, 2004



Jeffrey R. Lerman
Glenn F. Rosenblum
Montgomery, McCracken, Walker & Rhoads, LLP
123 South Broad Street
Philadelphia, PA 19109
(215) 772-1500

Attorneys for Plaintiff,
Lexington Insurance Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEXINGTON INSURANCE COMPANY,

Plaintiff,

v.

DAVID FORREST and T. BEAUCLERC
ROGERS IV,

Defendants.

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Civil Action No.
02-CV-4435

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION OF LEXINGTON INSURANCE COMPANY FOR
ADMISSION OF KEVIN J. BURKE AND MIGUEL A. VILLARREAL
PRO HAC VICE**

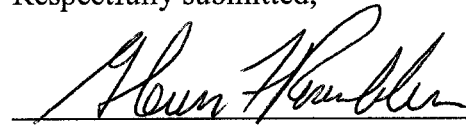
Plaintiff, Lexington Insurance Company (“Lexington”), pursuant to Local Civil Rule 83.5.2, moves for admission of Kevin J. Burke and Miguel A. Villarreal *pro hac vice*.

As set forth in the foregoing motion and attached certifications, each of the above-named attorneys is a member in good standing with courts of other jurisdictions. Each has particular knowledge regarding the facts and law in the above-captioned action as a result of his representation of Lexington, and Lexington has requested that the above-named attorneys represent it in this action.

If admitted *pro hac vice* in this matter, Mr. Burke and Mr. Villarreal will have as associate counsel of record a member of the bar of this Court upon whom all pleadings, motions, notices and other papers can be served conformably to the Federal Rules of Civil Procedure and the rules of this Court.

Accordingly, Lexington requests that the Motion for Admission of Counsel *Pro Hac Vice* be granted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Glenn F. Rosenblum", is written over a horizontal line.

Jeffrey R. Lerman

Glenn F. Rosenblum

Montgomery, McCracken, Walker & Rhoads, LLP

123 South Broad Street

Philadelphia, PA 19109

(215) 772-1500

Attorneys for Plaintiff,

Lexington Insurance Company

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEXINGTON INSURANCE COMPANY,

Plaintiff,

- against -

DAVID FORREST, T. BEAUCLERC ROGERS,
IV, *ET AL.*,

Defendants.

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Civil Action No.
02-CV-4435

**CERTIFICATION OF KEVIN J. BURKE
IN SUPPORT OF THE MOTION
FOR HIS ADMISSION *PRO HAC VICE***

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

KEVIN J. BURKE, being first duly sworn, deposes and says:

1. I make this Certification in support of the Motion for my admission *pro hac vice* as counsel for Lexington Insurance Company ("Lexington") in the above-captioned action.

2. I am a member of the law firm of Cahill Gordon & Reindel LLP, 80 Pine Street, New York, New York 10005. My telephone number is (212) 701-3000. My facsimile number is (212) 269-5420.

3. I am admitted to practice before and am in good standing with the following courts:

(a) All courts of the State of New York;

(b) United States District Courts for the Southern and Eastern Districts of New York;

(c) The Second, Third, Tenth and District of Columbia Circuit Courts of Appeals; and

(d) The United States Supreme Court.

4. I have never been disciplined, suspended or disbarred, and there are no disciplinary proceedings against me in any jurisdiction.

5. I have particular knowledge regarding the facts and law in the above-captioned action as a result of my representation of Lexington, and Lexington has requested that I represent it in this action.

6. I am associated in this matter with Jeffrey R. Lerman and Glenn F. Rosenblum who are attorneys-at-law of the Commonwealth of Pennsylvania and admitted to practice before this Court.

Date: October 14, 2004



Name: Kevin J. Burke
Firm: Cahill Gordon & Reindel LLP
Address: 80 Pine Street
New York, NY 10005
Phone Number: (212) 701-3000

Sworn to before me this
14th day of October, 2004.


Notary Public

CHARLOTTE EVANS
Notary Public, State of New York
No. 01EV4710990
Qualified in Kings County
Commission Expires Feb. 28, 2007

Exhibit B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

LEXINGTON INSURANCE COMPANY,

Plaintiff,

- against -

DAVID FORREST, T. BEAUCLERC ROGERS IV,
STANLEY MUNSON, MARTIN FINK, all individually,
and NEW BEGINNINGS ENTERPRISES LLC, a California
Limited Liability Company, and TARLO LYONS, a
partnership,

Defendants.

Civil Action No. 02-CV-4435
(Hon. Anita B. Brody)

**CERTIFICATION OF MIGUEL A. VILLARREAL
IN SUPPORT OF MOTION FOR ADMISSION PRO HAC VICE**

STATE OF NEW YORK)
 :ss.:
COUNTY OF NEW YORK)

I, MIGUEL A. VILLARREAL, Esquire, hereby certify as follows:

1. I make this Certification in support of the Motion for my admission *pro hac vice* as counsel for Lexington Insurance Company ("Lexington") in the above-captioned action.

2. I am associated with the law firm of Cahill Gordon & Reindel, with a principal office at Eighty Pine Street, New York, New York, 10005. My telephone number is 212-701-3000. My facsimile number is 212-269-5420.

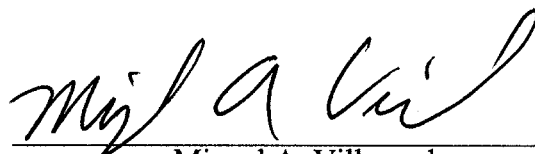
3. I am admitted to practice before and am in good standing with the following courts: all courts in the State of New York, the United States District Court for the Southern District of New York; and the United States District Court for the Eastern District of New York.

4. I have never been disciplined, suspended or disbarred, and there are no disciplinary proceedings pending against me in any jurisdiction.

5. I have particular knowledge regarding the facts and law in the above-captioned action as a result of my representation of Lexington, and Lexington has requested that I represent it in this action.

6. I am associated in this matter with Jeffrey R. Lerman and Glenn Rosenblum, who is an attorney-at-law of the Commonwealth of Pennsylvania and admitted to practice before this Court

Dated: September 10, 2004


Miguel A. Villarreal

Sworn to before me this
10th day of September, 2004


Notary Public

NICHOLAS J. MARCANTONIO
Notary Public, State of New York
No. 31-21MA4517276
Qualified in New York County
Commission Expires March 30, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Admission of Kevin J. Burke and Miguel A. Villarreal *Pro Hac Vice* was served this date upon the following by U.S. mail, first class, postage prepaid:

Conrad O. Kattner, Esquire
McShea Tecce, P.C.
Mellon Bank Center
1735 Market Street, 16th Floor
Philadelphia, PA 19103
Counsel for Stanley Munson

Edward M. Dunham, Jr., Esquire
Shannon Hampton Sutherland, Esquire
Duane Morris LLP
One Liberty Place
Philadelphia, PA 19103
Counsel for David Forrest

Alexander Kerr, Esquire
Stephen P. McFate, Esquire
McCarter & English, LLP
Mellon Bank Center
1735 Market Street, Suite 700
Philadelphia, PA 19103
and
Beverly Y. Lu, Esquire
Charles A. Adamek, Esquire
Lord Bissell & Brook, LLP
300 South Grand Avenue, Suite 800
Los Angeles, CA 90071
Counsel for New Beginnings Enterprises

Nicholas M. Centrella, Esquire
James J. Rohin, Esquire
Kevin Dooley Kent, Esquire
Conrad O'Brien Gellman & Rohn, PC
1515 Market Street, 16th Floor
Counsel for T. Beauclerc Rogers, IV

Jeffrey D. Farrow, Esquire
Mona Z. Hanna, Esquire
Sanford Louis Michelman, Esquire
Michelman & Robinson LLP
4 Hutton Centre, Suite 300
Santa Ana, CA 92707

and
Neil G. Epstein, Esquire
Eckert Seamans Cherin & Mellott, LLC
1515 Market Street
Ninth Floor
Philadelphia, PA 19102
Counsel for Martin Fink

David L. Pennington, Esquire
Harvey, Pennington, Ltd.
1835 Market Street, 29th Floor
Philadelphia, PA 19103
Counsel for Tarlo Lyons

Date: 11-12-04



Glenn F. Rosenblum